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STATE FOR OES/OPA PHELPS, COMMERCE FOR NOAA/NMFS WULFF,  
TOKYO FOR ESTH COBBS

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TAGS: [SENV](#) [EFIS](#) [PREL](#) [AS](#)

SUBJECT: SEA SHEPHERD BACKS OFF, AUSTRALIA PESSIMISTIC ON  
DEAL

REF: A. SECSTATE 12845

[1](#)B. ATKINSON-PHELPS EMAIL 2/5/2009

Classified By: Economic Counselor Edgard Kagan, Reasons 1.4(b)(d)

[1](#)1. (C) Summary: The aggressive actions by both the Sea Shepherd group and the Japanese whaling fleet in the Southern Ocean during the week of February 2-6 have resulted in the Sea Shepherd's calling off of their harassment campaign for this season. The Australian government is taking a low-key approach to the event, in an effort to prevent a diplomatic escalation to match that taking place at sea. They will investigate the actions of both groups, but do not expect any findings in the near term. The GOA wants to continue consultations with countries to keep positive momentum going in the International Whaling Commission (IWC) small working group format, and wants to send Special Envoy Sandy Hollway to Washington to consult with U.S. counterparts soon. Environment Minister Garrett continues to be the Government's public face on the whaling issue, but his involvement in preparing Australia's diplomatic strategy is limited. End Summary.

#### COLLISION RAMPS UP CONFRONTATION

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[1](#)2. (U) The Steve Irwin, the flagship vessel of anti-whaling NGO Sea Shepherd Conservation collided with the Japanese whaler Yushin Maru No 2 on February 6. Sea Shepherd founder Paul Watson, the Steve Irwin's captain claimed his vessel was trying to interrupt whaling operations. Japanese media reports claimed that the Sea Shepherd vessel tried to entangle Japanese propellers and activists threw rancid butter at the whaling fleet. Watson was quoted in Australian media as saying that the emergence of a second Japanese ship made the collision inevitable, and said the Japanese whalers were acting "increasingly aggressive," and threatening the lives of his crew. One crew member on the Steve Irwin required five stitches after being injured when disorientated by a long-range acoustic device, according to the Sea Shepherd releases. Video of the collision shows Japanese crews using high pressure water cannons against the Steve Irwin crewmembers as well.

[1](#)3. (U) Watson said in a February 9 statement that the Steve Irwin was heading back to Australia with only four days of fuel reserves left. "Another four days is simply not worth getting someone killed," Watson told media outlets. "We have done everything we could with the resources available to us this year," he said in a statement. "We have cost them money and we have saved the lives of a good many whales." Watson reportedly claimed on February 10 that further escalation would risk human lives. The withdrawal was not a sign that

Sea Shepherds were giving up, Watson said. Watson, who enjoys celebrity status in Australia, frequently appearing as a guest on the Australian Broadcast Corporation's youth-oriented Triple J radio, promised to return next season - and said he hoped to come with a faster ship to harass the whaling fleet. He further claimed that he was headed for the U.S. McMurdo base on the southern edge of Antarctica's Ross Sea, concerned that a Japanese force was preparing to board the Steve Irwin.

#### ESCALATION NOT CHANGING AUSTRALIAN POLICY

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¶4. (C/NF) Australia does not foresee a change in diplomatic Q4. (C/NF) Australia does not foresee a change in diplomatic strategy in response to the Japanese demarche of February 5, DFAT's David Dutton told Econoff on February 9. Neither Environment Minister Garret nor Foreign Minister Smith has commented publicly on recent events in the Southern Ocean. Australian maritime and police authorities will investigate claims that the actions of the Sea Shepherd group and/or the Japanese whaling fleet constituted crimes over which Australian authorities would have some jurisdiction. Such an investigation, Dutton said, would "take 18 months" to deliver any finding. While he refused to confirm whether the Japanese had asked for arrest and extradition of Sea shepherd members based on the early February events, he foresaw no room for a positive response to such requests. He noted that the Attorney-General had turned down a request in December. Dutton said he found the timing of the Sea Shepherd withdrawal from the Southern Ocean strange, as they believed that the vessel Steve Irwin had more than enough fuel to continue to harass the Japanese fleet. In Dutton's view, it is possible that the group feared, following the more-aggressive than previous Japanese reaction, that a boarding action or more violent confrontation was in the offing, and hence cut their activities short with the face-saving claim of fuel shortages. Dutton also said that their analysis seemed to indicate that the Japanese had far better intelligence on the group this year.

¶5. (C/NF) According to Dutton, the leak of information on discussions in the IWC Small Working Group (ref. A) had put pressure on Environment Minister Garrett, but also forced the issue of Australia's position into the public domain. He said that this had been beneficial in some ways, as it had increased pressure for a dialog between GOA and the NGO community on what Australia's future position might be. Hollway and Dutton will be holding private meetings with NGO groups over the weekend in Sydney. Dutton said that Australia might be prepared to "take the (political) pain" of acceding to a package deal that includes Japanese coastal whaling, but only if it delivered Australia's immediate goal of ending scientific whaling in the Southern Ocean. Such an acceptance, Dutton suggested, would be temporary and really only sustainable if it delivered a complete cessation of whale killing in the Southern Ocean. Given the difficult policy decisions this would require on both sides, Dutton expressed concern that any deal would be extremely unlikely between now and the Madeira meetings.

#### HOLLWAY TO VISIT DC

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¶6. (SBU) Dutton said that Australian Special Envoy Sandy Hollway was interested in visiting Washington, with Dutton, preferably the week of March 23, to confer with U.S. counterparts. Dutton said that DFAT was preparing a demarche for Washington urging strong support for IWC Chair Hogarth continuing in that capacity through the Madeira IWC meetings, as the Deputy chair was Japanese and a change before then would severely harm chances of a positive outcome. Dutton has also proposed a phone discussion with OES and NMFS staff prior to the next intersessional meetings (ref B.)

¶7. (C) Opposition Environment Spokesman (shadow minister) Greg Hunt told us February 10 that while he believes that a whaling deal with Japan is very unlikely, the Opposition

would almost certainly oppose any agreement that appeared to legalize whaling. He said that the Government appears to believe that Australians oppose whaling near Australia when in fact they oppose whaling globally. Hunt said that the Opposition believes that the Rudd Government made an initial mistake in taking too aggressive an approach with Japan, but that it is now going too far in trying to cut a deal with Tokyo.

18. (C/NF) Comment: The tragic Victorian wildfires have largely kept the whaling news off the front pages in Australia, but politics surrounding the issue continues in Canberra. Hollway, DFAT and Foreign Minister Smith clearly have the lead on this issue, despite Garrett's public fronting of the issue when the leak was revealed in late January (ref A.) Garrett's deputy chief of staff, Kate Pasterfield, lamented the fact that Hollway (who answers to PM Rudd, not Garrett) and DFAT were running a diplomatic strategy without much input from Garrett's ministry or advisors, telling econoff on February 5 that Garrett and his team were "taking the fall" publicly for the whaling issue. Garrett's reputation as an uncompromising advocate for conservation, which stems from his time as frontman for enviromentals Midnight Oil and his leading the Australian Conservation Foundation, has been hurt by the recognition that Australia may accept some form of whaling as long as it not in the Southern Ocean. End Comment.

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